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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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Proposed requirements for 2001

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the advance version of the report of the Secretary-General on the proposed requirements for the year 2001 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/55/517). During its consideration of the report, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. The Advisory Committee notes the efforts of the Secretariat to improve the budget document and that workload projections are, in general, more realistic than in prior submissions of the Tribunal's budget.

3. The Advisory Committee also notes that the overall resource tables show the miscellaneous income that has accrued to the special account of the Tribunal and that may accrue during the budget period. The Committee further notes that annex VII to the report contains a summary of follow-up actions taken to implement relevant recommendations of the internal and external oversight bodies; however, the actions taken with respect to the Committee's recommendations in its report of 2 December 1999 (A/54/645) were not included in the advanced version of the report but were subsequently provided to the Committee, upon request. **The Committee trusts that, in the future, actions taken with respect to its recommendations will be clearly identified in an annex to the budget report.**

4. The Tribunal's comments on the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634)

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are reproduced in annex VII to the budget report. In its report of 19 May 2000 on the subject (A/54/874), the Advisory Committee, in paragraph 14, requested that, in the context of the budget of the Tribunal, the Secretary-General prepare a separate report for the fifty-fifth session of the General Assembly on the actions taken or to be taken in respect of the recommendations that remained under review. **The Advisory Committee notes with regret that annex VII does not differentiate between information already dealt with in reports already considered by the Committee and the General Assembly and information on action on those recommendations that were still under review.**

5. During the hearings, the Advisory Committee was provided with an update of the Tribunal's comments on the recommendations of the Expert Group. **In this connection, the Advisory Committee reiterates its recommendation that a comprehensive report be submitted to the fifty-sixth session of the General Assembly on the results of the implementation of the recommendations of the Expert Group (ibid., para. 14). The Committee expects that the report will be analytical and thematic and indicate the outcome of implementing the recommendations of the Expert Group. The Committee points out that the mere citing of a recommendation and stating whether or not it has been implemented would be considered unacceptable.**

6. The Advisory Committee recalls that it had also recommended that the Secretary-General ensure that, before requesting additional resources for the Tribunal to implement a particular recommendation of the Expert Group, every effort should be made to fully and effectively utilize existing resources within the Tribunal (ibid., para. 11). In the view of the Committee, the budget submission for 2001 does not present sufficient evidence indicating that this recommendation was implemented. The Committee notes that, in a number of instances, **the recommendations of the Expert Group are cited to justify additional resource requests. The Committee points out that the Tribunal is not exempt from first ensuring that a rigorous examination has been undertaken to use resources already approved before making proposals for additional funds.**

7. In examining the estimates, the Advisory Committee bore in mind the report of the Expert Group, the comments thereon by the Secretary-General and the organs of the Tribunal and the Advisory Committee, as well as relevant decisions by the General Assembly. The Committee also took into account its observations and recommendations as contained in its report of 2 December 1999 (A/54/645).

8. As indicated in paragraphs 4 and 5 of the budget report, it is expected that the Tribunal's workload will continue to grow as a consequence of the expected increase in the number of investigations, arrests and detainees. The Advisory Committee notes that arrests have multiplied and are currently made at a rate of almost one a month. In 2001, the Tribunal intends to reduce the amount of time detainees spend in detention awaiting trial, during trial and appeal. Furthermore, subject to a decision by the Security Council, the Trial Chambers intend to increase the capacity of the Tribunal to hold trials by having the Member States make available a pool of ad litem judges, as advocated by the judges of the Tribunal in the seventh report on the operations of the Tribunal (A/55/273-S/2000/777, para. 10). Annex IX to the budget report shows that the cost related to six additional ad litem judges for six months of 2001, inclusive of support staff, supplies, equipment and services, would total $5,280,900 ($4,899,400 net). The Committee will revert to the administrative and budgetary aspect of this matter after the action of the Security Council.

9. The Advisory Committee was provided with information and statistics, as at 2 November 2000, on convictions of 14 individuals by Trial Chambers over the period from 1996 to 2000; two acquittals, one in 1998 and another in 2000; one final conviction (after appeal) in 1998 which is being enforced and three final convictions (after appeal) in 2000, two of which are being enforced and another to be enforced; eight trial cases in pre-trial phase involving 15 accused persons; five ongoing trials, involving 12 accused persons; four trials in the appeals stage, involving 11 accused persons; and arrest warrants issued against 37 accused at large.

10. On the long-term question of enforcement of sentences, the Advisory Committee was informed that, at present, the Tribunal has concluded agreements on the enforcement of sentences with seven Member States and concluded one exchange of notes with a Member State for one single-occasion enforcement. The Committee notes that under these agreements no provision on maintenance is made. Upon request, the Advisory Committee was informed that costs related to

enforcement of sentences include costs of transporting convicted persons and escorting travel, and travel costs associated with inspection of prisons. Where convicted persons are transferred to the country of final detention and are escorted by Tribunal staff, then one Tribunal legal officer and two Tribunal security officers are expected to accompany the convicted persons. In 2001, it is expected that this will occur on eight different occasions and will cost a total of approximately $22,700, including air tickets, subsistence for Tribunal personnel for one night and miscellaneous costs. Regarding inspection of detention facilities, in 2001, six visits are planned, with two Tribunal staff members participating in each visit, for two days in total. The forecast cost is $13,600, including air tickets, subsistence for Tribunal personnel for two nights and miscellaneous costs. In 2000, the Tribunal's experience has shown that the related costs for transporting convicted persons were approximately $4,000 per one convicted person. No visits to inspect facilities were carried out during 2000. The Advisory Committee requests the Secretary-General to provide information on the long-term implications of these costs in the context of the next budget submission.

11. The Advisory Committee notes from paragraph 11 of the seventh annual report of the Tribunal (A/55/273-S/2000/777) that the judges of the Tribunal consider that by accelerating the pre-trial management of the cases through increased recourse to the Tribunal's legal officers and increasing trial capacity by using ad litem judges it may be possible for the Tribunal to fulfil its mission in 2007 rather than 2016. Furthermore, the Deputy Prosecutor informed the Committee that the overall structure of the Investigation Division had been reviewed to ensure that the Prosecutor's goal of completing investigation activities by 2004 is met.

12. **The Advisory Committee points out that it would be beneficial to Member States if a realistic assessment could be made of the steps and measures that would meet the above-mentioned goals. In the short term these measures would involve additional resources, but in the long term it would be less costly to wind up activities of the Tribunal in 2007 rather than in 2016. The Committee cautions, however, that it would be difficult to focus on a specific date to complete the mandate of the Tribunal until it is known when investigations would be completed and what would be the final number of detainees awaiting trial.**

13. After the hearings, the Advisory Committee received an advance version of the budget performance report for the Tribunal for the year ended 31 December 1999 (A/55/623). The recorded expenditures during the period totalled $89,364,000 gross ($80,489,500 net), as compared with appropriations of $103,437,600 gross ($94,103,800 net), reflecting under-expenditures of $14,073,600 gross ($13,614,300 net), or 13.6 per cent of the appropriation. Total 1999 expenditures on the Expert Group amounted to $708,700, with approximately half its expenditures ($349,300) borne by the budget of the International Tribunal for the Former Yugoslavia and the rest by the budget of the International Criminal Tribunal for Rwanda (ibid., tables 1 and 2).

14. Significant variances between the appropriations and the expenditures are shown in table 2 of the performance report. These include under-expenditures of $4,322,200 under salaries, common staff costs and mission subsistence allowance and $2,661,100 under other staff costs. Under-expenditures under salaries and common staff costs are attributable mainly to favourable exchange rates and variances between the actual costs of posts encumbered and the standard salary costs in effect during the period (ibid., para. 6). Other significant under-expenditures during the period include $1,454,300 of reduced requirements for travel; $2,749,300 in savings under contractual services from a number of activities that were either postponed, cancelled or the scope of their implementation reduced; $995,200 in savings under general operating expenses, mainly as a result of postponement of the leasing of additional office space in 1999, cancellation of the planned leasing of an additional detention facility owing to a lower number of detainees than anticipated and lower requirements under rental and maintenance of equipment; $590,700 under supplies and materials, which included savings arising from delays in procurement of data-processing supplies; and $587,700 under alterations to premises owing to the postponement of the cafeteria project for the year 2000 (ibid., table 2, and paras. 7-16).

15. **The Committee requests that in the future a complete performance report be prepared and submitted prior to or concomitant with the submission of the annual budget estimates.**

16. The Committee was provided with an interim report on expenditures for 2000, as at 1 November 2000 (see annex I to the present report). Total projected expenditures for 2000 amount to $93,415,000 (net),

reflecting a projected under-expenditure of $2,527,600 (net), as compared with appropriations in the amount of $95,942,600 (net). The Committee notes that savings would result mainly from under-expenditures in the Registry projected at $2,339,900. The Committee was informed that savings have arisen mainly on general temporary assistance requirements, travel of witnesses, contractual services in defence counsel expenses and in general operating expenses owing to the cancellation of construction of a cafeteria that was not considered to be cost-effective.

17. Annex VI to the budget report provides the status of voluntary contributions received, as at 30 September 2000, for the Voluntary Fund set up for the Tribunal. Upon request, the Advisory Committee was provided with updated information. As at 25 October 2000, an amount of $30,353,948 had been received for the period 1994-2000. Total trust fund expenditures for the period 1994-1999 amounted to $21,654,547. **The Committee requests that the performance report also include explanations on expenditures incurred during the period concerned on major activities funded from cash contributions to the Voluntary Fund.**

18. Upon request, the Advisory Committee was informed that there is a common services agreement between the Tribunal and the United Nations Interim Administration Mission in Kosovo (UNMIK) with respect to the Tribunal's investigations, whereby the Tribunal provides the services of personnel in the areas of finance and communications and UNMIK provides services for the disbursement of funds, EDP, networking, vehicle repairs and accommodation. This agreement has been fully implemented and is currently working to the full satisfaction of both the Tribunal and the Mission.

II. Resource requirements for 2001

19. The resources proposed for 2001 under the assessed budget amount to $112,464,300 gross ($100,180,800 net), reflecting a resource increase of $4,238,200 (net), or a 4.4 per cent increase over the 2000 appropriation of $95,942,600 net. Total extrabudgetary resources for 2001 are estimated at $4,870,600, as compared with estimates for 2000 of $5,695,000 (A/55/517, table 1).

20. As indicated in paragraph 8 of the budget report, the resource increase of $4,238,200 (net) proposed for 2001 is driven mainly by resource requirements of the increased level of trial activities. This is a result of the higher courtroom utilization and the implementation of new procedures, such as in pre-trial management, additional office space to accommodate the Tribunal's expansion and an increased number of detainees projected for 2001. As a result, large increases are proposed for travel ($641,600), contractual services ($3,970,400), general operating expenses ($690,200) and acquisition of furniture and equipment ($1,708,800).

21. The proposed staffing table for 2001 comprises 937 assessed budget posts (not including 14 judges) and 14 extrabudgetary posts, reflecting an increase of 89 assessed budget posts (24 Professional and 65 General Service) and 13 reclassifications. The Advisory Committee was provided with detailed organization charts for each organ of the Tribunal, identifying proposed new posts, reclassification and staff redeployment for 2001 (see annex II to the present report).

22. For 2001, 12 additional posts (7 Professional and 5 General Service) are requested for the Office of the Prosecutor and 77 additional posts (17 Professional, 41 General Service and 19 Security Service personnel) are requested for the Registry. Eight reclassifications are proposed for the Office of the Prosecutor and five for the Registry.

23. The Advisory Committee notes from table 2 of the report that, for 2001, cost estimates of $46,071,600 for posts and of $7,615,400 for other staff costs reflect a decrease of $2,058,200 and $1,658,800, or a 4.3 per cent decrease and a 17.9 per cent decrease, respectively, as compared with appropriations for 2000 of $48,129,800 for posts and of $9,274,200 for other staff costs.

24. As indicated in annex I to the budget report, changes in staff cost estimates for 2001 reflect the budgetary assumptions of a United Nations rate of exchange of 1 United States dollar per 2.47 Netherlands guilders and a post adjustment multiplier of 4.6 used for The Hague, as compared with an exchange rate of 1 United States dollar per 2.08 Netherlands guilders and a multiplier of 23.7 used for the 2000 budget. With regard to vacancy factors, the Advisory Committee notes that for the proposed 2001 budget, as for the 2000 budget, a vacancy factor of 60

per cent for the Professional category and 50 per cent for the General Service level is used for the proposed new posts. For existing posts, a rate of 5 per cent is used for both Professional and General Service levels, as compared with rates of 10 per cent and 5 per cent used for Professional and General Service posts, respectively, for 2000 (A/54/645, para. 16). The Committee was provided with vacancy statistics by the organizational unit of the Tribunal, as at 26 October 2000, reflecting 61 vacant posts (41 in the Office of the Prosecutor and 20 in the Registry) (see annex III to the present report). Upon request, the Committee was provided with a summary of the recruitment status of vacant Professional posts in the Office of the Prosecutor and in the Registry. **The Committee urges the Tribunal to fill these vacant posts as rapidly as possible**.

The Chambers

25. As shown in table 4 of the report, the resource requirement for the Chambers for 2001 amounts to $3,282,500, as compared with $2,664,700 for 2000, reflecting an increase of $617,800 or 23.2 per cent. Salaries and common costs of judges amount to $3,204,100, reflecting an increase of $619,600 or 24 per cent. As indicated in paragraph 19 (d), the terms of office of the Tribunal's judges come to an end in November 2001 and it is anticipated that elections for a further term of office will take place. The Advisory Committee notes that the provision for common costs of judges, including travel on home leave, education allowance, pension benefits and costs associated with installation and relocation, takes into account the assumption that seven judges may not be re-elected and would be replaced by seven new judges, resulting in higher common costs in 2001 as compared with 2000.

26. The Advisory Committee notes from the workload indicators shown in annex V to the budget report that the number of courtroom days and trials could exceed, by the end of 2000, the estimate projected in last year's budget report (A/54/518). The Committee welcomes the Chamber's goal for 2001 first "to continue to reduce trial length and time spent on remand, in particular, by being more active in pre-trial management" (A/55/517, para. 12). The Committee is aware that the trials are complex, frequently involving multiple defendants, and as a result are often lengthy and that the detainees are entitled, under the Tribunal's Statute, to have expeditious trials. The Committee notes from paragraph 13 of the report that the length of the proceedings is a serious issue that the Tribunal intends to address.

27. The Advisory Committee notes from paragraph 14 of the report that the Appeals Chamber now has a large number of interlocutory appeals (see also A/55/273-S/2000/777, para. 18). On the effect of interlocutory appeal motions on the work of the Trial Chambers, the Advisory Committee notes that cases are frequently put on hold pending interlocutory appeals.

28. As indicated in paragraph 21 of the budget report, a travel provision of $63,400 is requested for the Chambers for 2001, comprising a provision of $29,500 for travel of the President of the Tribunal, $19,700 for travel of the judges to the region of the former Yugoslavia and of $14,200 for visits to crime scenes. Travel expenditure for the Chambers is projected at $65,200 for the year 2000 (see annex II to the present report). The Advisory Committee notes the meetings and other activities reported in paragraphs 281 to 286 of the seventh annual report of the Tribunal (A/55/273-S/2000/777). Upon request, the Advisory Committee was informed that the 14 judges of the Tribunal were away from the seat of the Tribunal on official travel during 131 working days in 2000. Travel paid by the United Nations included 83 working days and, at no cost to the United Nations, 48 working days. **In the view of the Committee, the judicial activities at The Hague should have priority over public relations activities and attendance at external meetings**.

Office of the Prosecutor

29. The resource requirement of the Office of the Prosecutor for the year 2001 amounts to $35,576,000 gross ($29,336,600 net of staff assessment), reflecting a decrease of $254,100 gross ($1,642,600 net) over the 2000 appropriation of $35,830,100 gross ($30,979,200 net). In addition, for 2001, it is estimated that an amount of $2,738,000 would be available under extrabudgetary resources, as compared with estimates of $3,680,000 of extrabudgetary resources for 2000 (A/55/517, table 5).

30. For the Office of the Prosecutor, staffing requirements for 2001 comprise 382 posts (241 Professional and 141 General Service), reflecting an

increase of 12 new posts (7 Professional and 5 General Service), as compared to 370 posts in 2000 (ibid., table 6). Paragraphs 2 to 42 of annex II to the budget report show that two additional Professional posts are requested for the Appeals Unit in the immediate Office of the Prosecutor, eight additional posts (5 Professional and 3 General Service) for the Prosecution Division and three additional posts (one Professional and two General Service) for the Investigation Division. In addition, a transfer of one Senior Appeals Counsel post (P-5) is requested to handle the appeals of the International Criminal Tribunal for Rwanda. As indicated in paragraph 8 of annex II to the budget report, the Prosecutor intends to set up an Appeals Unit in the Rwanda Tribunal in Arusha and proposes to transfer the existing Senior Appeals Counsel post from The Hague to Arusha to manage the increased number of appeals derived from the cases in the Rwanda Tribunal. **The Advisory Committee recommends approval of the additional posts for the Appeals Unit and the Prosecution Division and one Professional post for the Investigation Division, but recommends against approval of the two additional General Service posts for the Investigation Division, in view of the large number of vacant posts in that Division.**

31. The staffing proposal of the Office of the Prosecutor also includes the reclassification of eight legal officer posts from the P-2 to the P-3 level. Reasons for these reclassifications are given in paragraphs 15 and 16 of annex II to the budget report and further justification was provided during the hearings. **Accordingly, the Advisory Committee recommends acceptance of the proposed reclassifications.**

32. The Advisory Committee notes from paragraph 23 of the budget report that the most significant development for the Office of the Prosecutor has been the effect of a number of arrests by the multinational Stabilization Force (SFOR) (see also A/55/273-S/2000/777, para. 183). As the result of 12 arrests, as of June 2000, the Office of the Prosecutor is faced with the preparation of nine trials and is actively prosecuting four trials, as compared with five trials in 1999 (see also A/55/517, annex V). For 2001, 15 additional detainees are assumed in the budget, leading to 10 additional cases.

33. Other staff cost requirements are estimated at $4,824,300, comprising a provision of $84,600 for overtime and $4,739,700 for general temporary assistance, reflecting a reduction of $44,500, as compared with $4,868,800 appropriated for the year 2000 (A/55/517, table 5, and para. 36). The Committee notes from paragraph 36 (b) that a net decrease of $39,100 in the estimate for general temporary assistance, as compared with the appropriation for 2000, is attributable to the completion of exhumation in Kosovo in 2000, offset by the increased requirements of general temporary assistance for pre-trial and trial peak periods.

34. Upon request, the Advisory Committee was informed that **the Office of the Prosecutor has completed its forensic work in Kosovo. The morgue at Orahovac has been shut down and equipment is in the process of being transferred. All gratis personnel have left the mission area. A report on the number of mass graves investigated and on the number of bodies exhumed is still pending. As reflected in the budget proposal for 2001, the Office of the Prosecutor will not conduct any further exhumations of mass graves in Kosovo but instead will focus on several sites in Bosnia and Herzegovina. There are no plans to use gratis personnel in this project, as it is expected it will be fully funded through the regular budget.**

35. In paragraph 36 (b) (i) of the report, a provision of $1,659,700 is requested for general temporary assistance for pre-trial and peak trial support. It is indicated that additional posts are requested in order to handle some of the pre-trial and peak trial support workload, but some portion of the pre-trial work is sporadic and could be better met by using general temporary assistance. As indicated in paragraphs 24 and 30 above, the Advisory Committee has recommended approval of all Professional posts requested for the Office of the Prosecutor and has urged the filling of vacant posts in this area. The Committee notes that the resources requested for general temporary assistance are in the nature of a contingency. **The Committee believes that if the posts recommended and the vacant posts are filled, recourse to general temporary assistance in 2001 might not be necessary in the full amount requested. In the view of the Committee, as long as there are vacant posts in the Office of the Prosecutor, additional general temporary assistance for peak period support could be charged to resources for vacant posts. Accordingly, the Advisory Committee recommends approval of $1 million out of the $1,659,700 requested**

for general temporary assistance in paragraph 36 (b) (i) of the budget report.

36. In paragraph 36 (b) (ii) of the report, a provision of $1,415,100 is requested for general temporary assistance for the indexing of documents. **The Committee agrees that the need for processing documentation continues to be an issue of high priority for the Office of the Prosecutor; therefore, it recommends approval of the Secretary-General's request, including 12 work-months for a P-2 information officer to work in computer systems for document exploitation.**

37. **The Advisory Committee also recommends approval of the $565,600 requested for temporary analysts for the Military Analysis Team and the Leadership Research Team in paragraph 36 (b) (iii); the $1,099,300 requested for the exhumation project in Bosnia and Herzegovina mentioned in paragraph 36 (b) (iv); and the $2,820,200 requested for consultants, travel and contractual services in paragraphs 37 to 39 of the budget report.**

The Registry

38. The resource requirement for the Registry for 2001 amounts to $73,605,800 gross ($67,561,700 net of staff assessment and other income), reflecting an increase of $5,951,200 gross ($5,263,000 net of staff assessment and other income), or an increase of 8.8 per cent gross (8.4 per cent net), over the 2000 appropriation of $67,654,600 gross ($62,298,700 net of staff assessment and other income). In addition, in 2001, estimated extrabudgetary resources, amounting to $2,132,600, will be administered by the Registry, as compared to $2,015,000 in 2000 (A/55/517, table 7).

39. For the Registry, the staffing requirements in the proposed assessed budget for 2001 comprise 555 posts (203 Professional, 223 General Service and 129 security personnel), including the creation of 77 posts (17 Professional and 41 General Service and 19 security personnel). In addition, the proposed requirements for 2000 include 14 extrabudgetary posts (1 P-3 and 13 General Service) (ibid., table 8). The staffing proposal for the Registry for 2001 also includes the reclassification of five posts. Paragraphs 46 to 95 of annex II to the budget report provide detailed justifications for the 77 new posts and 5 reclassifications.

40. The Advisory Committee notes from paragraphs 42 and 43 of the main body of the report that the usage of the courtrooms of the Tribunal has increased significantly, from approximately 30 per cent in 1999 to 75 per cent in 2000, and that it is expected that the pace of courtroom activity will be maintained in 2001. As a consequence, the Registry is requesting additional resources to provide adequate support to the expected level of activity of the Tribunal in 2001.

41. The Advisory Committee notes from paragraphs 47, 48 and 50 of annex II to the budget report that two new posts (1 P-4 and 1 General Service) proposed for the Office of the Registrar and a new P-3 special assistant post for the Deputy Registrar were submitted last year in the proposed budget for 2000. **For the reason given in paragraphs 49 and 50 of its report of 2 December 1999 (A/54/645), the Committee recommends against approval of these posts.**

42. In paragraph 51 of annex II to the report, it is proposed to reclassify a post in the Office of the President from the P-4 to the P-5 level. **The Advisory Committee is not convinced of the need to reclassify this post and therefore recommends against the proposal.**

43. In paragraph 62 of annex II to the report, a reclassification of a P-5 post to D-1 level is requested for the post of General Counsel in the Legal and Witnesses Division. **The Advisory Committee recalls that this post was also submitted for reclassification in the proposed budget for 2000. In this connection, the Committee reiterates its observations in paragraph 53 of last year's report (A/54/645), in which it cautioned against the tendency to inflate the organizational nomenclature with the consequent temptation to request higher-grade posts. The Committee is not convinced that a justification has been given to reclassify the P-5 General Counsel post.**

44. In paragraphs 65 to 68 of annex II to the report, four new General Service posts and a reclassification of a P-3 protection officer post to the P-4 level are proposed for the Victims and Witnesses Section. **In the view of the Advisory Committee, the justification provided for the new four General Service posts and the proposed reclassification of the P-3 protection officer post do not support the request. Accordingly, the Committee recommends against its approval and therefore recommends against it.**

45. For the Security and Safety Section, the requirements of the Tribunal in 2001 include 19 additional security officers, comprising 5 security officers for the Belgrade Office, 10 security officers for the third office building at The Hague and 4 security officers for executive protection and field security duties. In addition, it is requested to reclassify the post of Deputy Chief of the Security and Safety Section from the P-3 to the P-4 level. **For the reasons given in paragraphs 66 to 76 of annex II to the report and by representatives of the Secretary-General during the hearings, the Advisory Committee recommends approval of the request for the Security and Safety Section**.

46. Four additional posts are requested (A/55/517, annex II, paras. 77-79) for the Finance Section of the Administrative Support Division: a P-2 post for the Chief of Payroll and three General Service posts to provide assistance with the accounts and the travel and vendors claims. The Advisory Committee recalls that three of these four additional posts (1 P-2 and 2 General Service) were submitted in the proposed budget for 2000 and that it recommended against their approval (see A/54/645, para. 77). **For the reasons given in paragraphs 58 and 59 of its previous report (A/54/645), the Advisory Committee recommends against approval of these four additional posts in the Finance Section**.

47. Three additional General Service posts are requested for the Human Resources Section (A/55/517, annex II, para. 82). The Advisory Committee recalls that the request for these three additional General Service posts was also submitted in the proposed budget for 2000 and that it recommended against their approval (see A/54/645, paras. 60 and 77). **The Committee reiterates its recommendation against approval of these three General Service posts in the Human Resources Section**.

48. Requirements for conference and language services include 14 additional Professional posts and 10 additional General Service posts, including 2 additional P-4 posts for English language translator/revisers, 1 additional P-4 for a Conference Interpretation Unit Chief, 1 P-3 terminologist post, 2 P-3 English language translator posts, 3 P-3 French language translator posts, 1 P-3 conference interpreter post and 4 P-2 English language associate translator posts (A/55/517, annex II, paras. 83-88). **The Advisory Committee recommends approval of these 14 additional Professional and 10 additional General Service posts for conference and language services**.

49. Five additional General Service posts are proposed for the Electronic Support and Communications Section and nine additional General Service posts are proposed for the General Service Section (ibid., paras. 89-95). As indicated in paragraphs 89 and 91 of annex II to the report, the current staffing table includes 44 posts (10 Professional and 34 General Service) in the Electronic Support and Communications Section and 26 posts (4 Professional and 22 General Service) in the General Service Section. The Advisory Committee recalls that, in the proposed budget for 2000, five additional General Service posts were requested, four for the Electronic Support and Communications Section and one for the General Service Section. The Committee recommended against their approval and requested that the functions proposed for the new posts be absorbed (A/54/645, para. 62). **In the light of the justifications provided during the hearings, the Committee recommends approval of seven additional posts for these two sections instead of 14 additional posts**.

50. A provision of $2,791,100 is requested for other staff costs under the Registry, reflecting a net decrease of $1,614,300, or 36.6 per cent, as compared with the appropriation of $4,405,400 for 2000. The decrease in requirements under other staff costs relates mainly to the changeover from direct court reporting to remote court reporting in French, which is budgeted under contractual services in 2001. The Advisory Committee recalls that, in paragraph 64 of last year's report (A/54/645), it welcomed the replacement of direct court reporting by remote reporting, which was planned for the second half of 2000. For 2000, expenditure for other staff costs under the Registry is projected at $4,038,000, which includes non-recurrent costs of the Kosovo exhumation project, reflecting an under-expenditure of $367,400, as compared with the appropriation of $4,405,400 for 2000 (see annex I to the present report). **Under the circumstances, the Committee recommends that the proposed appropriation of $2,791,100 be approved**.

51. The proposed travel budget for 2001 amounts to $2,432,500, reflecting an increase of $304,900, as compared with the appropriation of $2,127,600 for 2000. A provision of $1,960,000 is included in the proposed budget for 2001 to cover travel and allowance of witnesses and witness support persons, dependent children and disabled adults, and accommodation and

communications costs for witness assistants. It is anticipated that 670 witnesses and 134 persons will travel to The Hague in 2001 for the purpose of hearings and trials (A/55/517, para. 51).

52. The Advisory Committee recalls that, based on the experience in 1998 and 1999, it recommended a reduction of 10 per cent in the Registry's proposed travel budget for 2000 (A/54/645, para. 66). The Committee notes that projected travel expenditures for 2000 amount to $1,761,000, reflecting a projected under-expenditure of $366,600 (see annex I to the present report). The Committee requested information on witnesses who travelled to The Hague but did not testify in courts. The Committee was informed that, as at 30 September 2000, 421 witnesses, support persons, children and dependants had travelled to The Hague and the related expenditure was $826,500. Of the 421 witnesses, 43 did not testify. Reasons for not testifying included poor planning and preparation of cases, changes in the strategy of the parties, change of mind of witnesses, changes in the court schedule, longer-than-anticipated testimonies of previous witnesses and last-minute refusals or inability of witnesses to testify. **Based on the prior experience, the Advisory Committee recommends that an appropriation of $2,190,000 be approved for the Registry's travel budget for 2001, reflecting a reduction of approximately 10 per cent from the proposed amount.**

53. The Registry's requirements for contractual services are estimated at $22,624,200, reflecting an increase of $3,957,500, or 21.2 per cent, as compared with an appropriation of $18,666,700 for 2000, mainly owing to the increased number of detainees requiring services and defence counsel, as well as the utilization of an institutional contractor instead of individual contractors for French verbatim reporting (A/55/517, para. 52).

54. For the proposed budget for 2001, as for the budget of 2000, the bulk of the request for contractual services is for defence counsel ($14,800,000), representing approximately 65.4 per cent of the total proposed requirements under contractual services ($22,624,200). The estimate for defence counsel is calculated on the basis of 50 indicted persons in detention, as compared with 40 indictees projected for 2000 (see A/55/517, para. 52 (a), and annex V). For 1999, as indicated in the performance report, a saving of $2,463,200 was realized under the provision for defence counsel owing to the lower number of detainees (29), as compared with 40 detainees assumed in the budget (A/55/623, para. 11 (a)). For the year 2000, upon request, the Committee was informed that projected expenditures for defence counsel would amount to $12,354,100 (see annex I to the present report).

55. In the past, the Advisory Committee has expressed concern about the increasing cost of defence counsel activities and the fact that they are becoming very complex to manage, and that their expenditure has become difficult to monitor and control. The Committee has encouraged the development of standard rates (see, for example, A/54/645, para. 68). The Board of Auditors has also recommended that the Tribunal review its legal aid system with the aim of establishing tighter controls over defence costs.[1] In this connection, the Committee was provided upon request with the Tribunal's amended legal aid payment practice (see annex IV to the present report).

56. The Committee recalls the comments of the Expert Group concerning dilatory motions and pleadings which have the effect of lengthening trial proceedings (see A/55/517, annex VII, recommendation 5 of the Expert Group). **The Committee welcomes the actions taken so far by the judges and the Registry to address these matters, including amendment of the Tribunal's Rules of Evidence and Procedure to deny fees for such motions.**

57. **The Advisory Committee also recalls the comments of the Expert Group on indications of fee-splitting arrangements between detainees and their defence counsel (see A/54/634, paras. 79 and 217). Although these indications have not been verified by the Expert Group, they should be investigated promptly and thoroughly. Laxity in this matter could lead to the impression that the legal aid system of the United Nations can be manipulated to become an open-ended opportunity for unwarranted gain. The Committee recommends that the Board of Auditors and the Office of Internal Oversight Services, within their respective mandates, re-double their efforts to follow up on these allegations. The Committee also recommends that the Tribunal review and, as necessary, adjust the present staff capacity to manage all aspects of the legal aid system.**

58. The cost of detainee services under contractual services is estimated at $3,960,300. The Advisory Committee notes that during 2001, the Tribunal plans

to accommodate in one location a total of 50 detainees at the cost of $3,838,800 for a total of 64 cells, along with the related services and guards, under the agreement with the Government of the Netherlands. In addition, the provision of $121,500 is requested to cover the costs of four detention guards under the agreements with the Governments of Austria and Denmark (A/55/517, para. 52 (b)).

59. In 1999, savings under contractual services amounted to $2,749,300, or 14.7 per cent of the 1999 appropriation of $18,709,400. For 2000, the projected expenditure under contractual services amounts to $17,826,700, reflecting potential savings of $840,000, as compared with an appropriation of $18,666,700 (see annex I to the present report). **Based on the prior experience, the Advisory Committee recommends that an appropriation of $21,000,000 be approved for the Registry's contractual services requirements, reflecting a reduction of approximately 7.2 per cent from the proposed amount.**

60. A provision of $15,316,400 is requested for general operating expenses ($8,870,600), alteration of premises ($804,400), supplies and materials ($1,244,400) and acquisition of furniture and equipment ($4,397,000) (A/55/517, paras. 54-57).

61. The provision of $8,870,600 for general operating expenses reflects an increase of $690,200 over the 2000 appropriation. An amount of $3,433,300 is for rental of premises. The Advisory Committee notes that a provision of $581,000 is included under rental of premises for additional office space in 2001 (approximately 8,000 square metres) in anticipation of the additional new staff (89) and those under temporary assistance contracts for 2001. A provision of $87,700 is also included under rental of premises for the Tribunal's field offices in Zagreb, Sarajevo, Skopje, Pristina and Banja Luka. The Belgrade office is expected to reopen in 2001 (A/55/517, para. 54 (a) (iii) and (iv)).

62. The Advisory Committee sought clarifications on requirements for additional office space and was informed that the Tribunal has currently a shortfall of space for approximately 200 people. This figure does not take into account additional general temporary assistance requirements for the Office of the Prosecutor envisaged for 2001. This has caused work areas to be overcrowded; while other space is used for office space, some sections are working in shifts and some are sharing desks. In 2001, an additional 54 staff are requested in the event that the ad litem judges are approved. This means that a total deficit of about 254 workstations plus the possible requirement for general temporary assistance staff and an additional eight judges' chambers will be created in 2001 (six ad litem judges plus two Appeals Chamber judges who will be based in The Hague). A detailed space analysis of existing office space was also provided. With regard to the reopening of the Belgrade office, the Advisory Committee was informed that the Tribunal is currently exploring the possibility and options of office accommodation in Belgrade.

63. As shown in the 1999 performance report (A/55/623, table 2), cost savings of $2,173,600, or approximately 20 per cent of the amounts appropriated ($10,809,300), were realized in the following categories of expenditure: general operating expenses ($995,200), supplies and materials ($590,700) and alterations to premises ($587,700). Projected expenditures for 2000 for these three categories of expenditure indicate cost savings of approximately $1,078,000, or approximately 10.9 per cent of the amounts appropriated ($9,859,400) (see annex I to the present report). **Based on the prior experience, the Advisory Committee recommends that an appropriation of $14,550,600 be approved for the four categories of expenditure mentioned in paragraph 60 above, reflecting a reduction of approximately 5 per cent from the proposed amount.**

64. The Advisory Committee recalls that it has recommended that the financial period for the Tribunal should be established for two calendar years with a corresponding biennial audit, but with the proviso that an annual budget with an annual assessment would be maintained (A/54/645, para. 76). **In this connection, bearing in mind the Committee's concern with the issue of vacancy management mentioned in paragraph 24 above, the Committee recommends that, under the delegated authority of the Registrar for the appointment and administration of staff, the Registrar continue to administer the necessary human resources in an efficient manner and issue personnel contracts to staff of the Tribunal for periods longer than those of the annual budget but within the financial period of the Tribunal. With regard to the biennialization of the Tribunal's budget, the Committee intends to discuss this subject and other improvements in the presentation**

of the budget document, in the context of the next budget submission of the Tribunal.

III. Conclusions and recommendations

65. On the basis of the recommendations and observations indicated above, the Advisory Committee recommends that the General Assembly approve the appropriation of $108,487,700 gross ($96,443,900 net) for the operations of the International Tribunal for the Former Yugoslavia in 2001. This would represent a reduction of $3,976,600 gross ($3,736,900 net) from the estimate of $112,464,300 gross ($100,180,800 net), indicated in paragraph 60 of the proposed budget (A/55/517). Post reductions recommended by the Committee are summarized as follows:

Summary of post reductions recommended by the Advisory Committee on Administrative and Budgetary Questions

Organizational unit	*Posts*	*Paragraph No.*
Office of the Prosecutor		
Administrative support, Investigation Division	2 General Service	30
Registry		
Office of the Registrar	1 P-4 and 1 General Service	41
Office of the Deputy Registrar	1 P-3	41
Victims and Witnesses Section	4 General Service	44
Finance Section	1 P-2 and 3 General Service	46
Human Resources Section	3 General Service	47
Electronic Support and Communications Section and General Service Section	7 General Service	49

Total of 23 posts (3 Professional and 20 General Service) not recommended for approval for 2001.

Summary of proposed reclassifications not recommended for approval by the Advisory Committee on Administrative and Budgetary Questions

Organizational unit	*Posts*	*Paragraph No.*
Registry		
Office of the President	1 P-4 to P-5	42
Office of the General Counsel	1 P-5 to D-1	43
Victims and Witnesses Section	1 P-3 to P-4	44

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 5I.* (A/55/5/Add.12), para. 38

Annex I

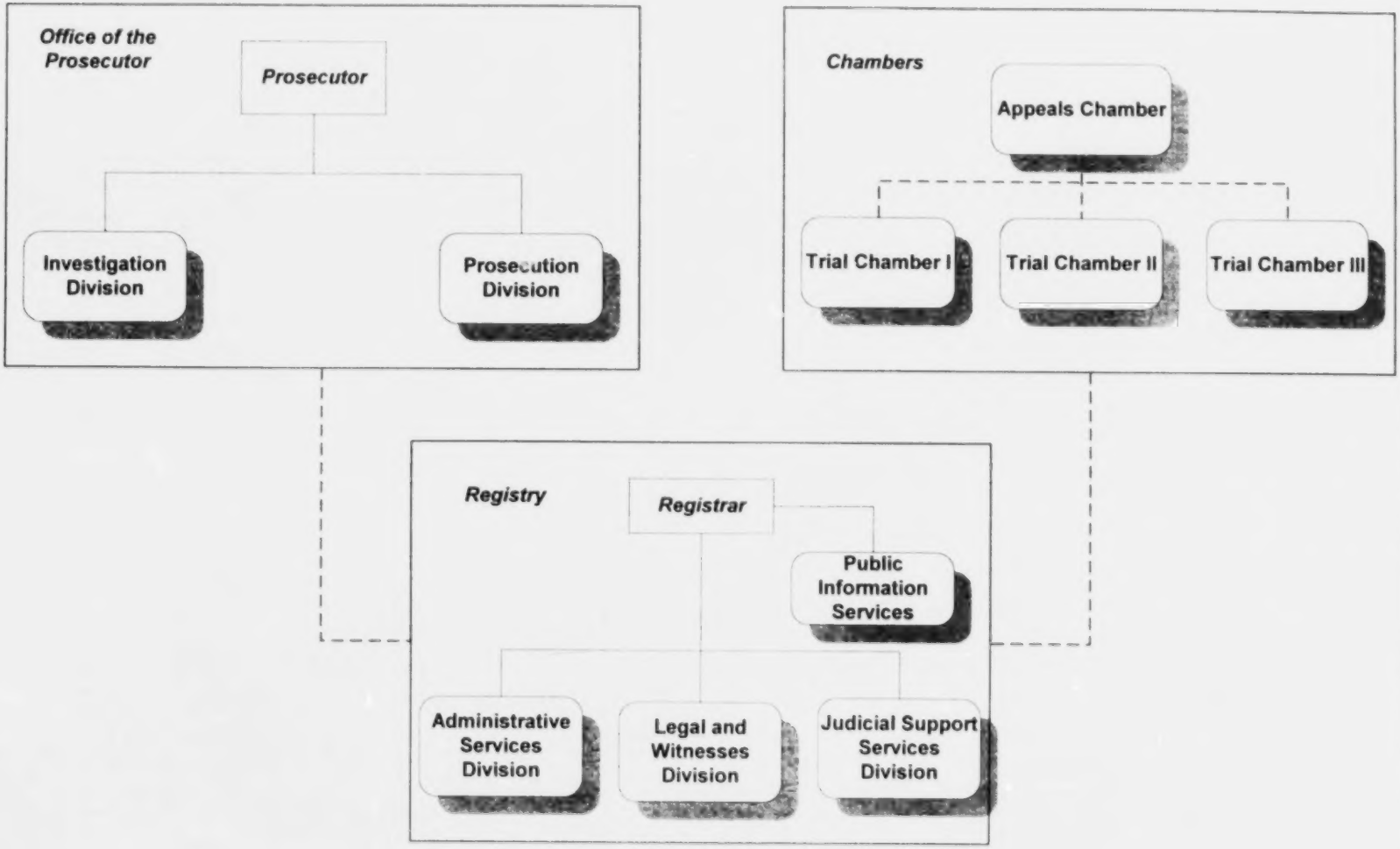
Summary of the expenditures of the International Tribunal for the Former Yugoslavia for 1999 and 2000

	1999 estimate	*1999 expenditures*	*(a) 2000 estimate*	*(b) Expenditures, 30 September 2000*	*(c) Forecast, October-December 2000*	*(d)=(b)+(c) 2000 expenditures Total*	*(e)=(a)-(d) Variance*
Total							
Temporary posts	46 006.7	41 684.5	48 129.8	33 054.0	14 705.3	47 759.3	370.5
Other staff costs	6 774.3	3 906.5	9 274.2	6 965.8	1 941.0	8 906.8	367.4
Compensations to judges	2 521.2	2 492.6	2 584.5	1 915.3	687.8	2 603.1	(18.6)
Consultants and experts	441.1	104.4	203.5	150.2	50.0	200.2	3.3
Travel	4 955.3	3 367.5	4 487.8	3 509.7	611.5	4 121.2	366.6
Contractual services (a)	18 709.4	15 970.9	18 716.4	16 150.1	1 726.3	17 876.4	840.0
Hospitality	4.0	1.5	4.0	0.8	3.2	4.0	0.0
General operating expenses	8 490.2	7 399.2	8 180.4	6 735.8	773.4	7 509.2	671.2
Supplies and materials	1 309.8	718.3	1 038.5	823.9	254.7	1 078.6	(40.1)
Acquisition of equipment	3 887.7	4 001.7	2 688.2	1 972.8	1 195.0	3 167.8	(479.6)
Construction, alterations	1 009.3	0.0	640.5	93.6	100.0	193.6	446.9
Staff assessments	9 328.6	4 498.5	10 201.6	8 716.9	2 905.6	11 622.6	(1 421.0)
Total, gross	**103 437.6**	**84 145.6**	**106 149.4**	**80 088.9**	**24 953.8**	**105 042.8**	**1 106.6**
Staff assessments	9 328.6	4 498.5	10 201.6	8 716.9	2 905.6	11 622.6	(1 421.0)
Other income	5.2	0.0	5.2	3.9	1.3	5.2	0.0
Total, net	**94 103.8**	**79 647.1**	**95 942.6**	**71 368.1**	**22 046.9**	**93 415.0**	**2 527.6**
(a) Breakdown of contractual services							
Defence counsel	14 200.0	11 736.8	13 205.0	11 354.1	1 000.0	12 354.1	850.9
Detention guards	2 348.3	2 552.9	3 208.1	2 964.1	250.0	3 214.1	(6.0)
Translation	196.0	194.4	237.5	316.8	100.0	416.8	(179.3)
Verbatim reporting	782.4	758.9	909.3	776.7	100.0	876.7	32.6
Training	515.7	234.2	518.2	242.0	219.2	461.2	57.0
Other contractual services	667.0	493.7	638.3	496.4	57.1	553.5	84.8
Total - contractual services	18 709.4	15 970.9	18 716.4	16 150.1	1 726.3	17 876.4	840.0

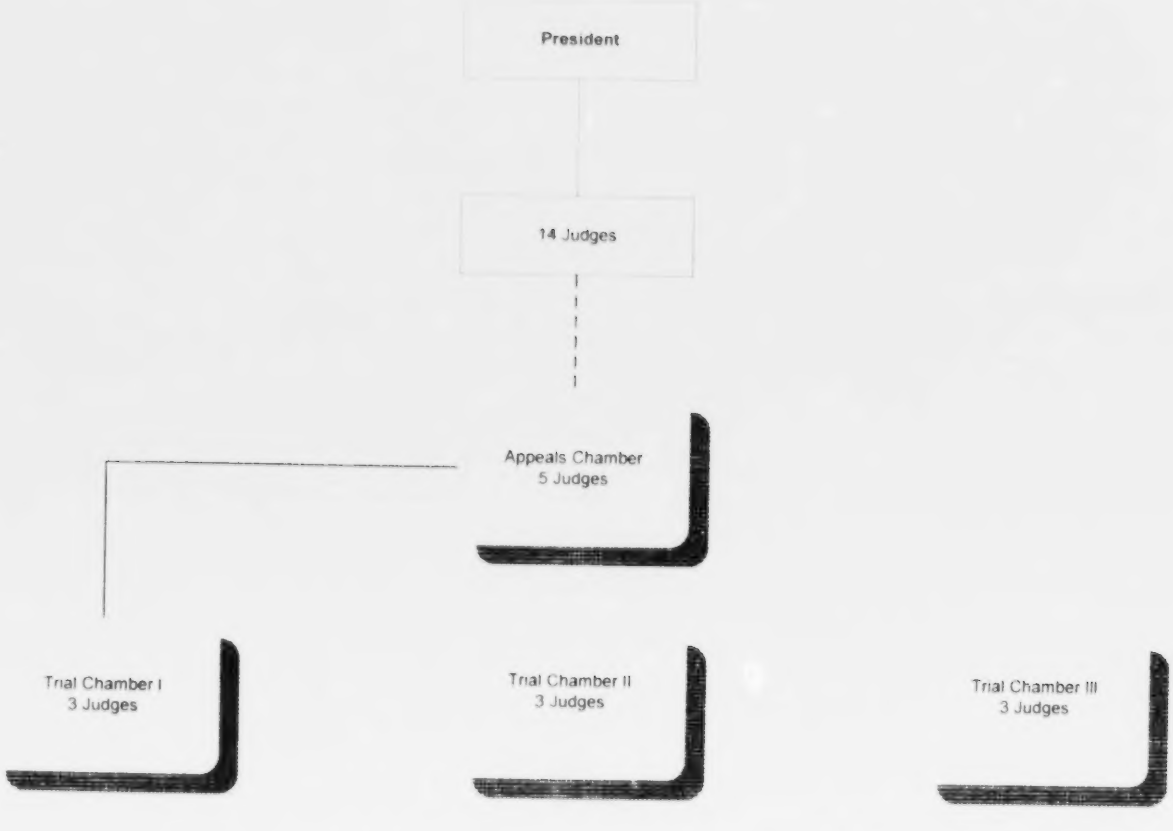
	1999 estimate	1999 expenditures	(a) 2000 estimate	(b) Expenditures 30 September 2000	(c) Forecast October-December 2000	(d)=(b)+(c) 2000 expenditures Total	(e)=(a)-(d) Variance
The Chambers							
Compensations to judges	2 521.2	2 492.6	2 584.5	1 915.3	687.8	2 603.1	(18.6)
Consultants and experts	15.0	8.7	15.0	9.9	5.1	15.0	0.0
Travel	65.2	32.8	65.2	40.1	25.1	65.2	0.0
Total, gross	**2 601.4**	**2 534.1**	**2 664.7**	**1 965.3**	**718.0**	**2 683.3**	**(18.6)**
Staff assessments	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total, net	**2 601.4**	**2 534.1**	**2 664.7**	**1 965.3**	**718.0**	**2 683.3**	**(18.6)**
Office of the Prosecutor							
Temporary posts	22 932.4	21 790.8	23 667.0	16 384.1	7 076.6	23 460.7	206.3
Other staff costs	1 817.0	1 267.6	4 868.8	4 227.8	641.0	4 868.8	0.0
Consultants and experts	63.6	68.3	98.7	73.8	24.9	98.7	0.0
Travel	1 956.2	2 141.1	2 295.0	2 283.6	11.4	2 295.0	0.0
Contractual services	66.1	10.8	49.7	30.5	19.2	49.7	0.0
Staff assessments	4 462.4	4 498.5	4 850.9	4 488.9	1 496.3	5 985.2	(1 134.3)
Total, gross	**31 297.7**	**29 777.1**	**35 830.1**	**27 488.7**	**9 269.4**	**36 758.1**	**(928.0)**
Staff assessments	4 462.4	4 498.5	4 850.9	4 488.9	1 496.3	5 985.2	(1 134.3)
Total, net	**26 835.3**	**25 278.6**	**30 979.2**	**22 999.8**	**7 773.1**	**30 772.9**	**206.3**
Registry							
Temporary posts	23 074.3	19 893.7	24 462.8	16 669.9	7 628.7	24 298.6	164.2
Other staff costs	4 957.3	2 638.9	4 405.4	2 738.0	1 300.0	4 038.0	367.4
Consultants and experts	362.5	27.4	89.8	66.5	20.0	86.5	3.3
Travel	2 933.9	1 193.6	2 127.6	1 186.0	575.0	1 761.0	366.6
Contractual services	18 643.3	15 949.3	18 666.7	16 119.6	1 707.1	17 826.7	840.0
Hospitality	4.0	1.5	4.0	0.8	3.2	4.0	0.0
General operating expenses	8 490.2	7 399.2	8 180.4	5 821.3	773.4	7 509.2	671.2
Supplies and materials	1 309.8	718.3	1 038.5	823.9	254.7	1 078.6	(40.1)
Acquisition of equipment	3 887.7	4 001.7	2 688.2	1 972.8	1 195.0	3 167.8	(479.6)
Construction, alterations	1 009.3	0.0	640.5	93.6	100.0	193.6	446.9
Staff assessments	4 866.2	0.0	5 350.7	4 228.0	1 409.3	5 637.3	(286.6)
Total, gross	**69 538.5**	**51 823.6**	**67 654.6**	**49 720.4**	**14 966.4**	**65 601.3**	**2 053.3**
Staff assessments	4 866.2	0.0	5 350.7	4 228.0	1 409.3	5 637.3	(286.6)
Other income	5.2	0.0	5.2	3.9	1.3	5.2	0.0
Total, net	**64 667.1**	**51 823.6**	**62 298.7**	**45 488.5**	**13 555.8**	**59 958.8**	**2 339.9**

Annex II

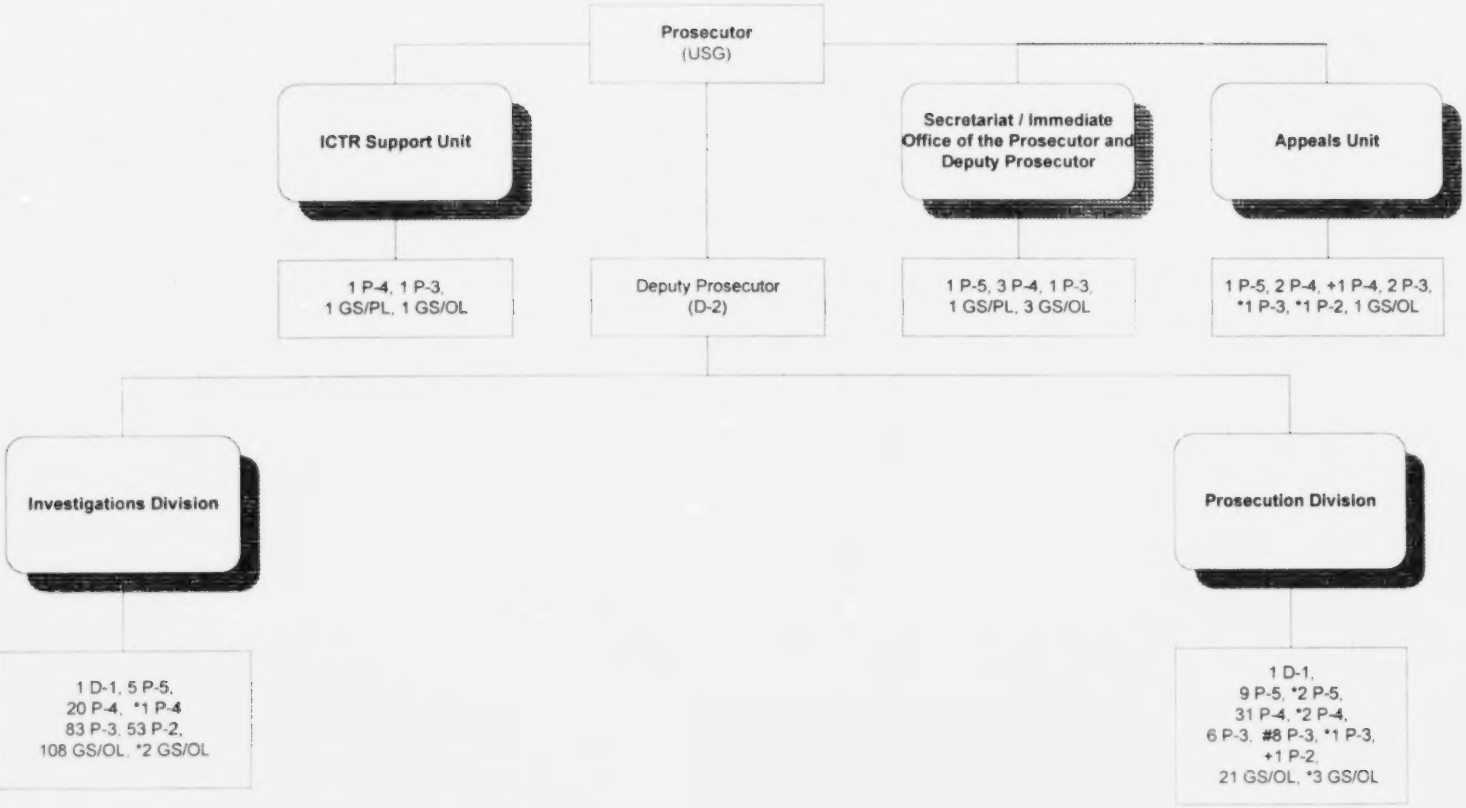
International Tribunal for the Former Yugoslavia



The Chambers
2001



Office of the Prosecutor: Post Summary 2001



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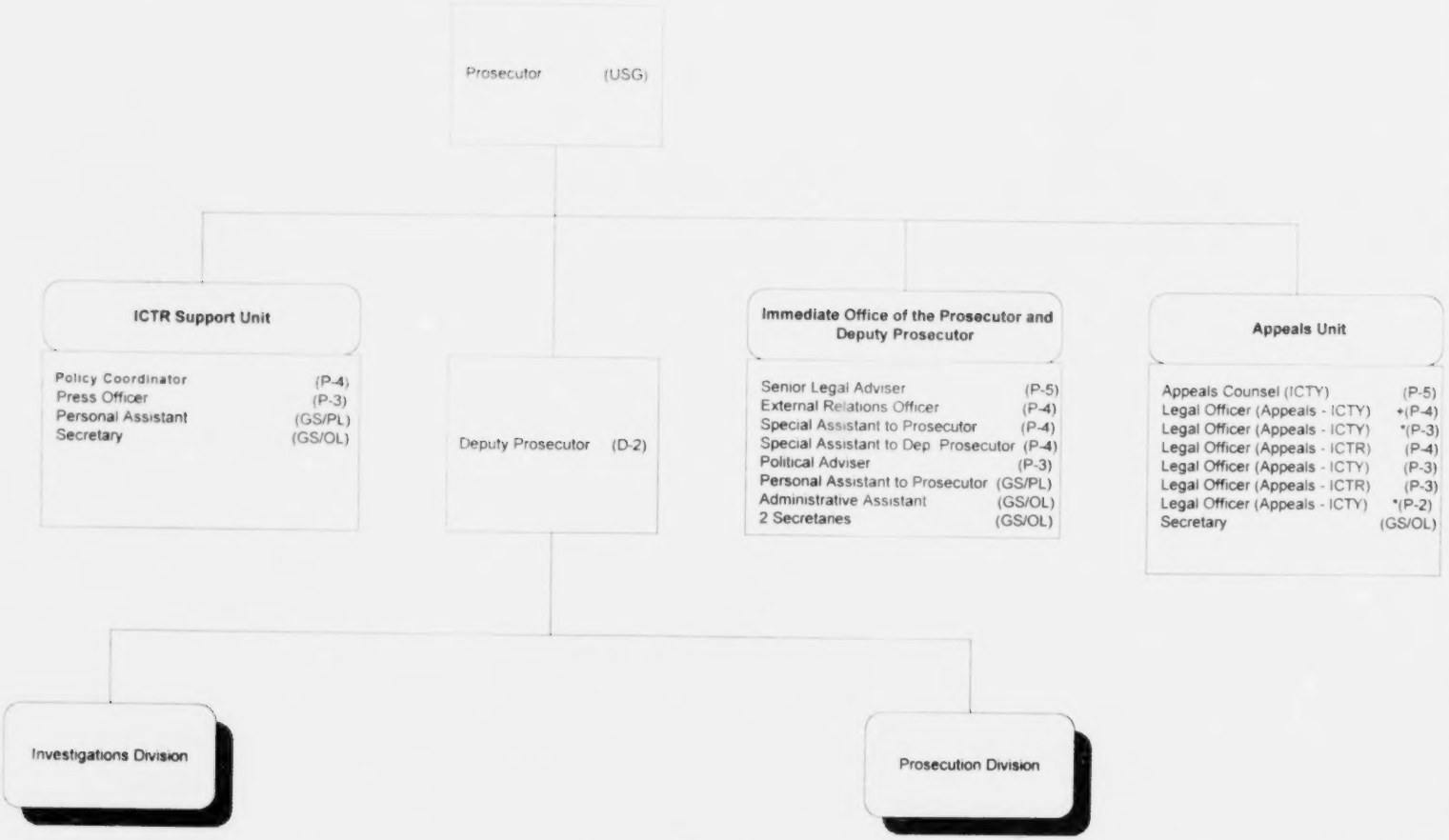
Office of the Prosecutor: Immediate Office of the Prosecutor and Deputy Prosecutor 2001


Prosecutor (USG)
ICTR Support Unit
Policy Coordinator (P-4)
Press Officer (P-3)
Personal Assistant (GS/PL)
Secretary (GS/OL)
Deputy Prosecutor (D-2)
Immediate Office of the Prosecutor and Deputy Prosecutor
Senior Legal Adviser (P-5)
External Relations Officer (P-4)
Special Assistant to Prosecutor (P-4)
Special Assistant to Dep. Prosecutor (P-4)
Political Adviser (P-3)
Personal Assistant to Prosecutor (GS/PL)
Administrative Assistant (GS/OL)
2 Secretaries (GS/OL)
Appeals Unit
Appeals Counsel (ICTY) (P-5)
Legal Officer (Appeals - ICTY) +(P-4)
Legal Officer (Appeals - ICTY) *(P-3)
Legal Officer (Appeals - ICTR) (P-4)
Legal Officer (Appeals - ICTY) (P-3)
Legal Officer (Appeals - ICTR) (P-3)
Legal Officer (Appeals - ICTY) *(P-2)
Secretary (GS/OL)
Investigations Division
Prosecution Division

* - New
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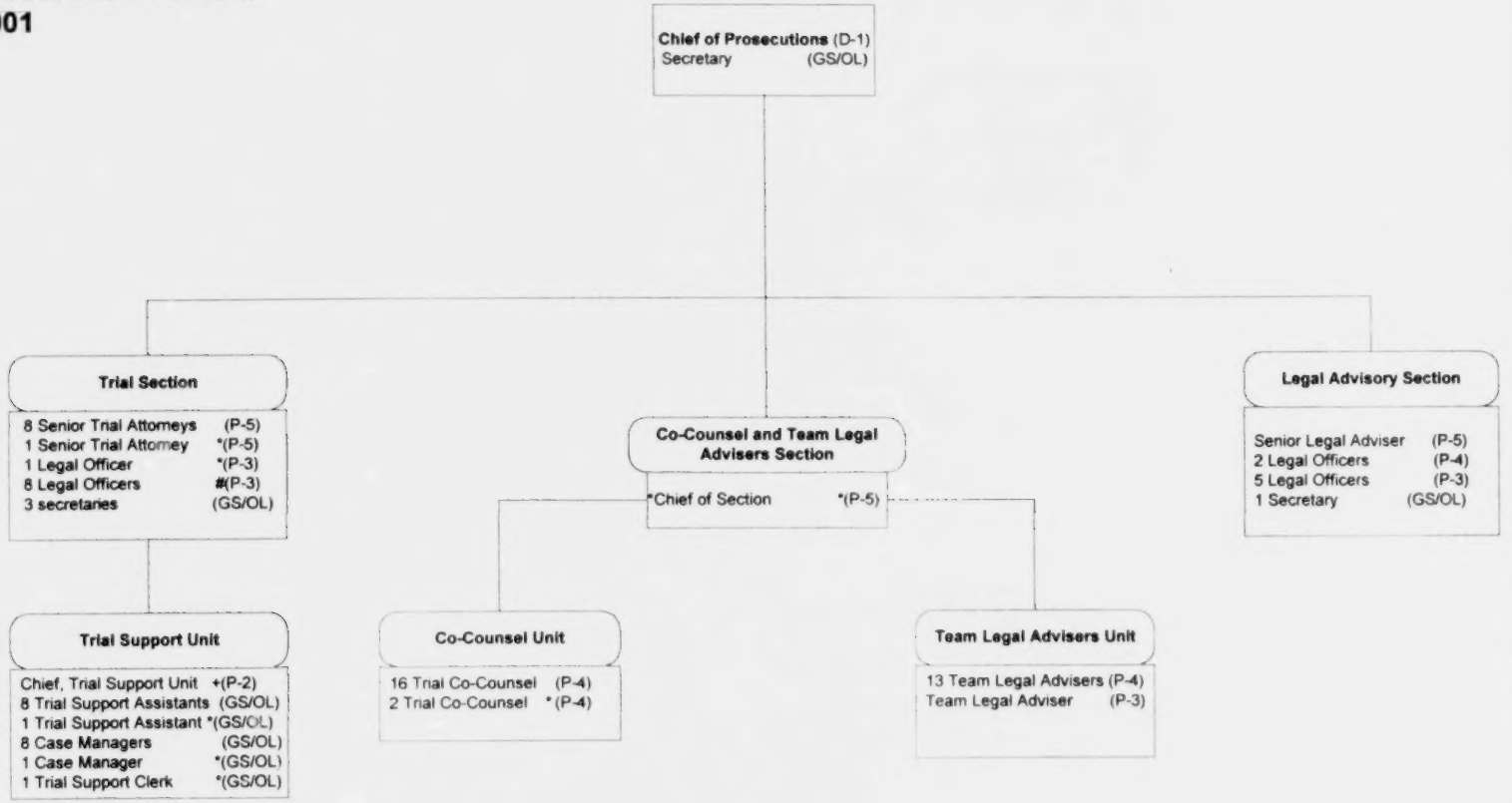
Office of the Prosecutor: Prosecution Division 2001


Chief of Prosecutions (D-1)
Secretary (GS/OL)
Trial Section
8 Senior Trial Attorneys (P-5)
1 Senior Trial Attorney *(P-5)
1 Legal Officer *(P-3)
8 Legal Officers #(P-3)
3 secretaries (GS/OL)
Co-Counsel and Team Legal Advisers Section
*Chief of Section *(P-5)
Legal Advisory Section
Senior Legal Adviser (P-5)
2 Legal Officers (P-4)
5 Legal Officers (P-3)
1 Secretary (GS/OL)
Trial Support Unit
Chief, Trial Support Unit +(P-2)
8 Trial Support Assistants (GS/OL)
1 Trial Support Assistant *(GS/OL)
8 Case Managers (GS/OL)
1 Case Manager *(GS/OL)
1 Trial Support Clerk *(GS/OL)
Co-Counsel Unit
16 Trial Co-Counsel (P-4)
2 Trial Co-Counsel * (P-4)
Team Legal Advisers Unit
13 Team Legal Advisers (P-4)
Team Legal Adviser (P-3)

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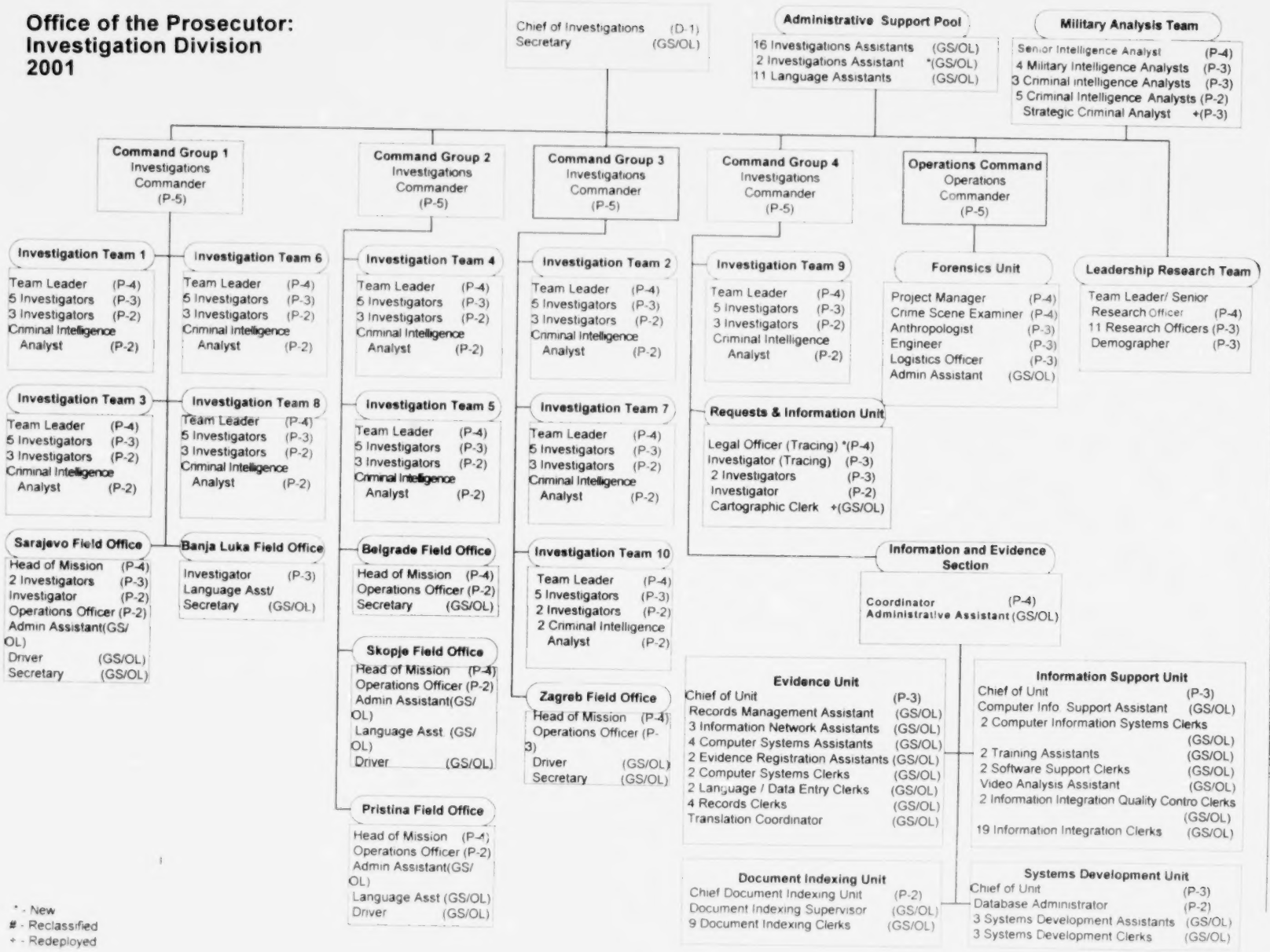
\# - Reclassified
\+ - Redeployed

Office of the Prosecutor: Investigation Division 2001



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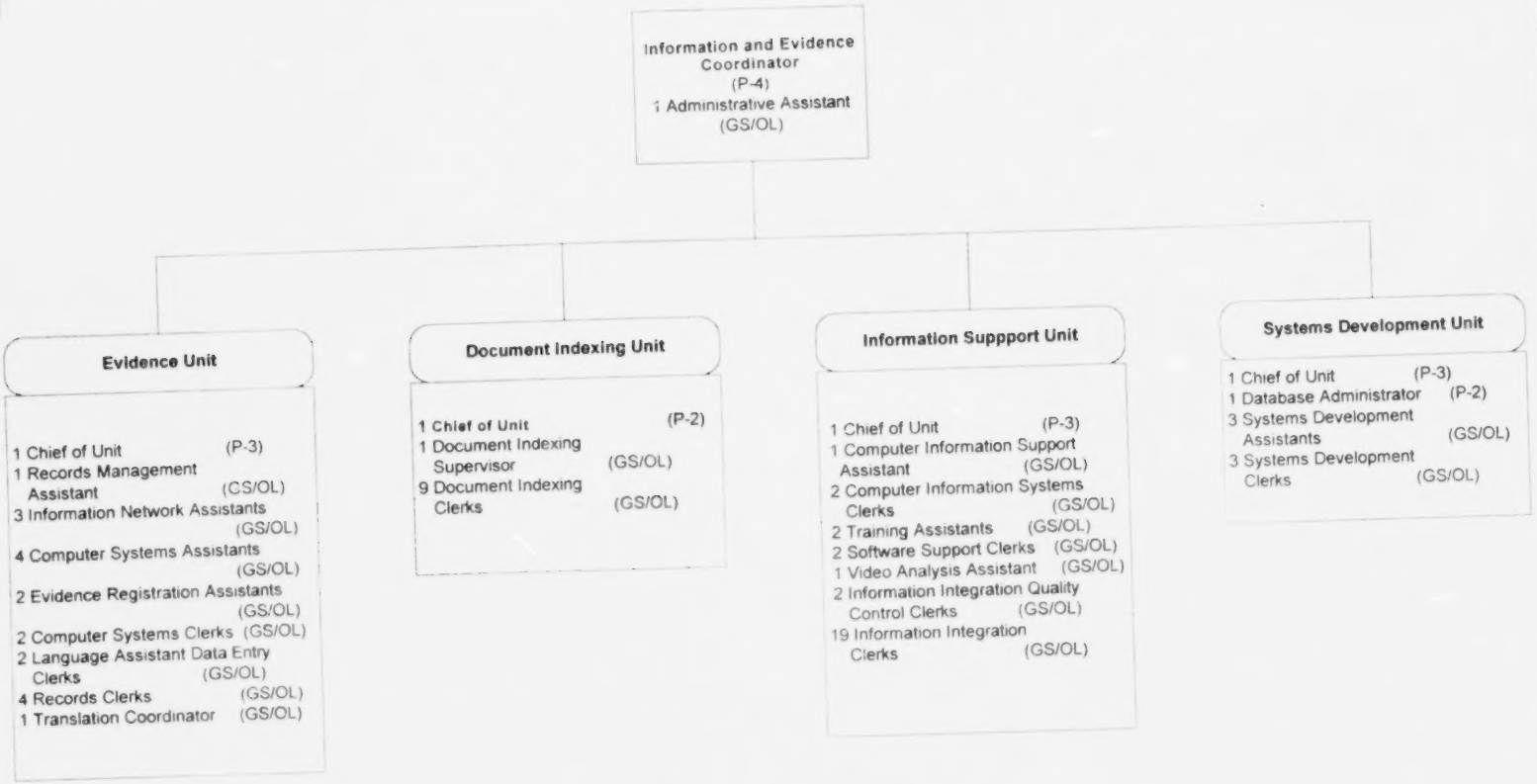
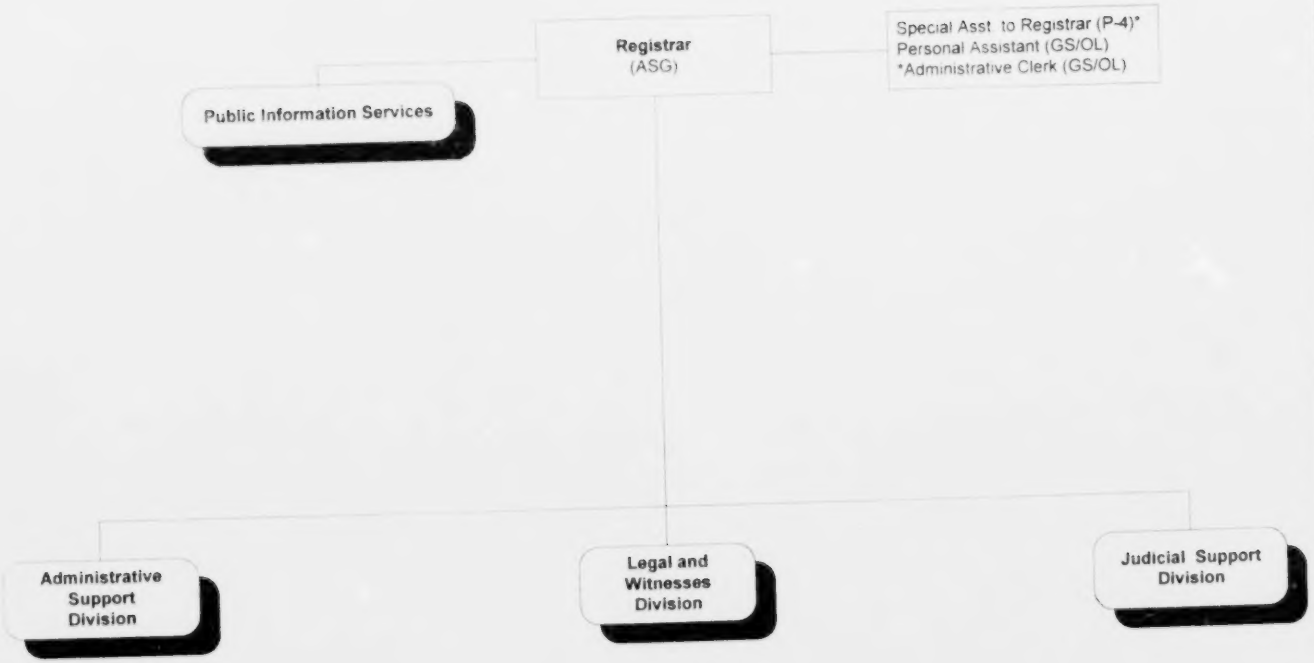
Office of the Prosecutor: Information and Evidence Section 2001


Information and Evidence Coordinator
(P-4)
1 Administrative Assistant
(GS/OL)
Evidence Unit
1 Chief of Unit (P-3)
1 Records Management Assistant (CS/OL)
3 Information Network Assistants (GS/OL)
4 Computer Systems Assistants (GS/OL)
2 Evidence Registration Assistants (GS/OL)
2 Computer Systems Clerks (GS/OL)
2 Language Assistant Data Entry Clerks (GS/OL)
4 Records Clerks (GS/OL)
1 Translation Coordinator (GS/OL)
Document Indexing Unit
1 Chief of Unit (P-2)
1 Document Indexing Supervisor (GS/OL)
9 Document Indexing Clerks (GS/OL)
Information Suppport Unit
1 Chief of Unit (P-3)
1 Computer Information Support Assistant (GS/OL)
2 Computer Information Systems Clerks (GS/OL)
2 Training Assistants (GS/OL)
2 Software Support Clerks (GS/OL)
1 Video Analysis Assistant (GS/OL)
2 Information Integration Quality Control Clerks (GS/OL)
19 Information Integration Clerks (GS/OL)
Systems Development Unit
1 Chief of Unit (P-3)
1 Database Administrator (P-2)
3 Systems Development Assistants (GS/OL)
3 Systems Development Clerks (GS/OL)

° - New
- Reclassified
+ - Redeployed

Registry: Offices
2001



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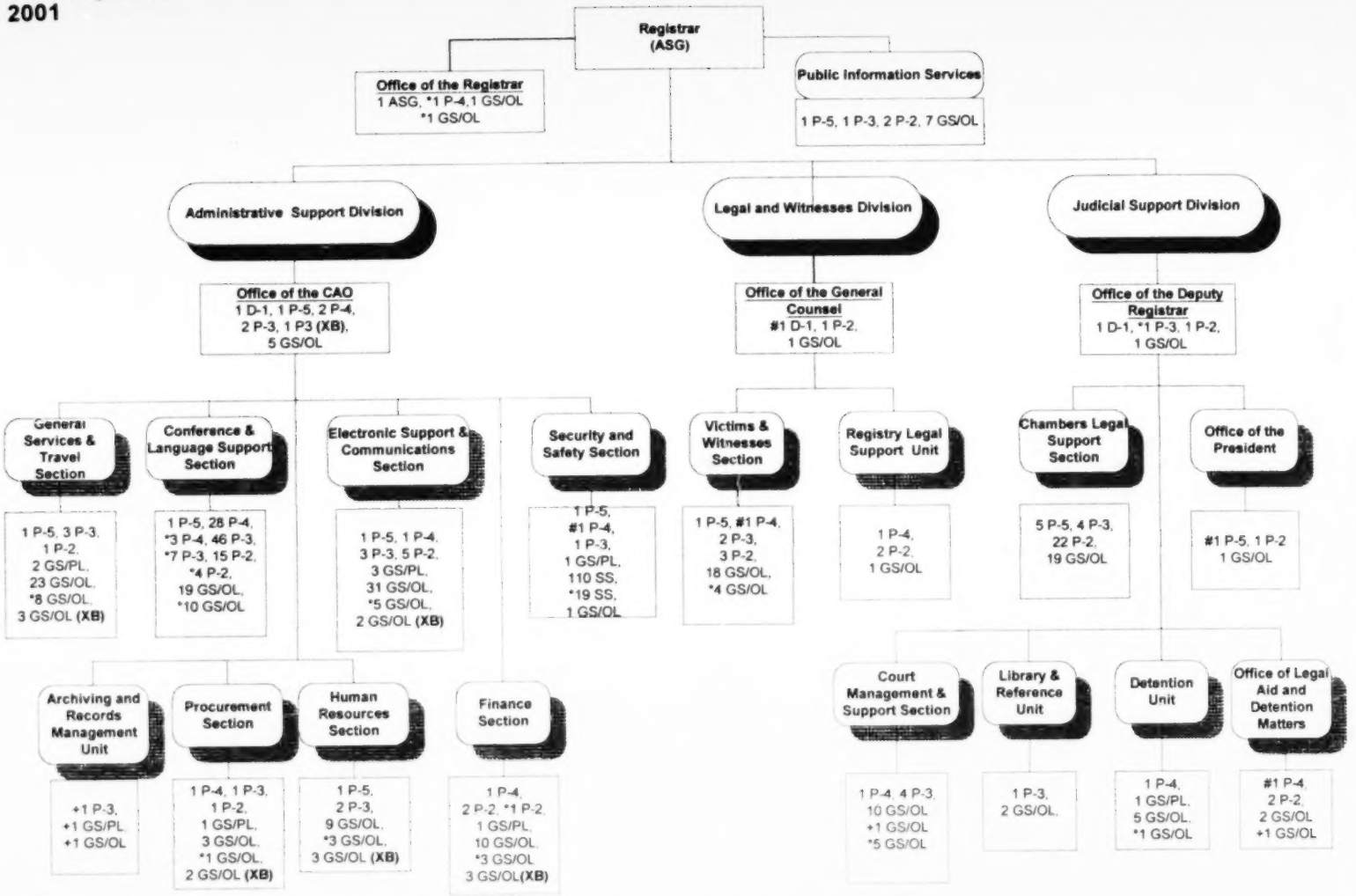
Registry: Posts by Office 2001



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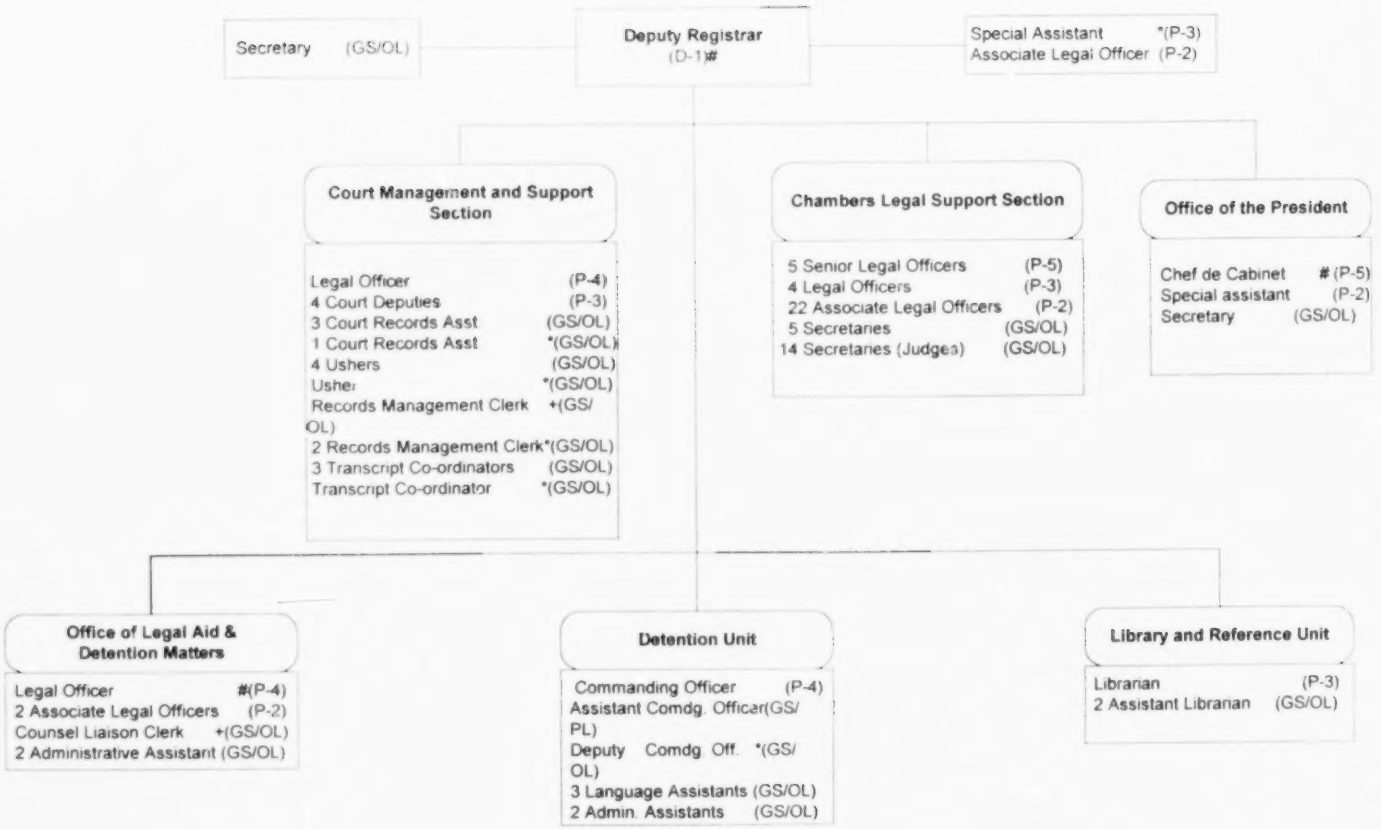
Registry:
Judicial Support Division
2001



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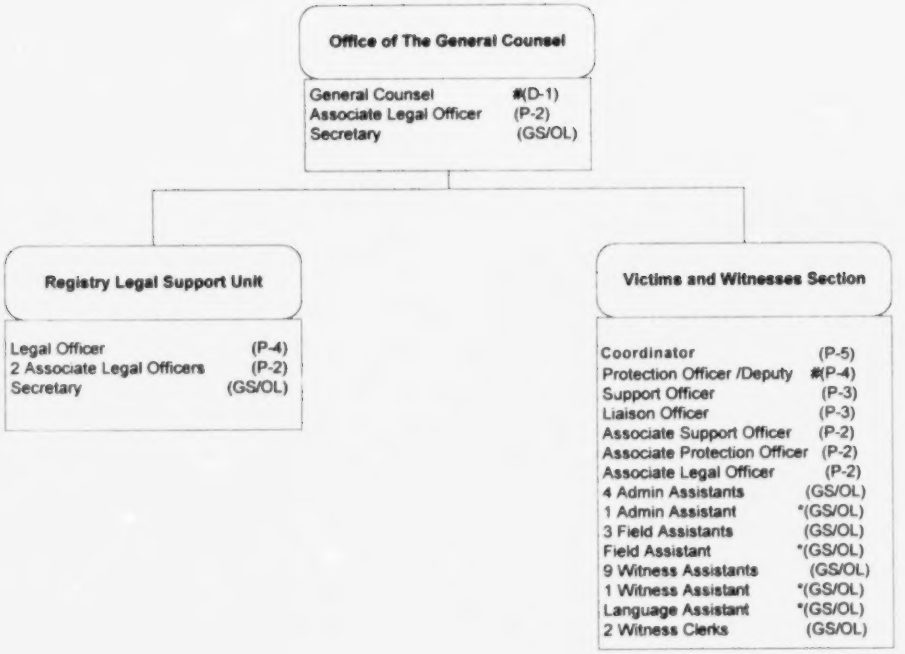
Registry:
Legal and Witnesses Division
2001



* - New
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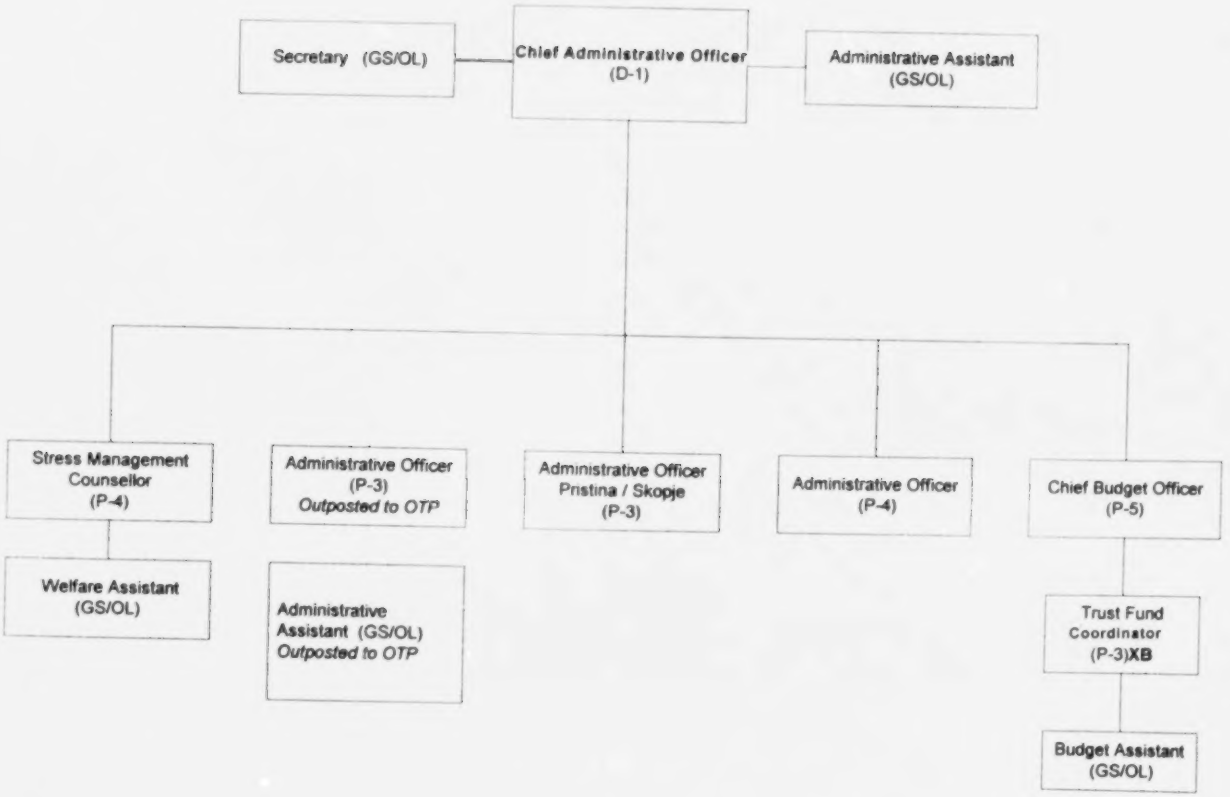
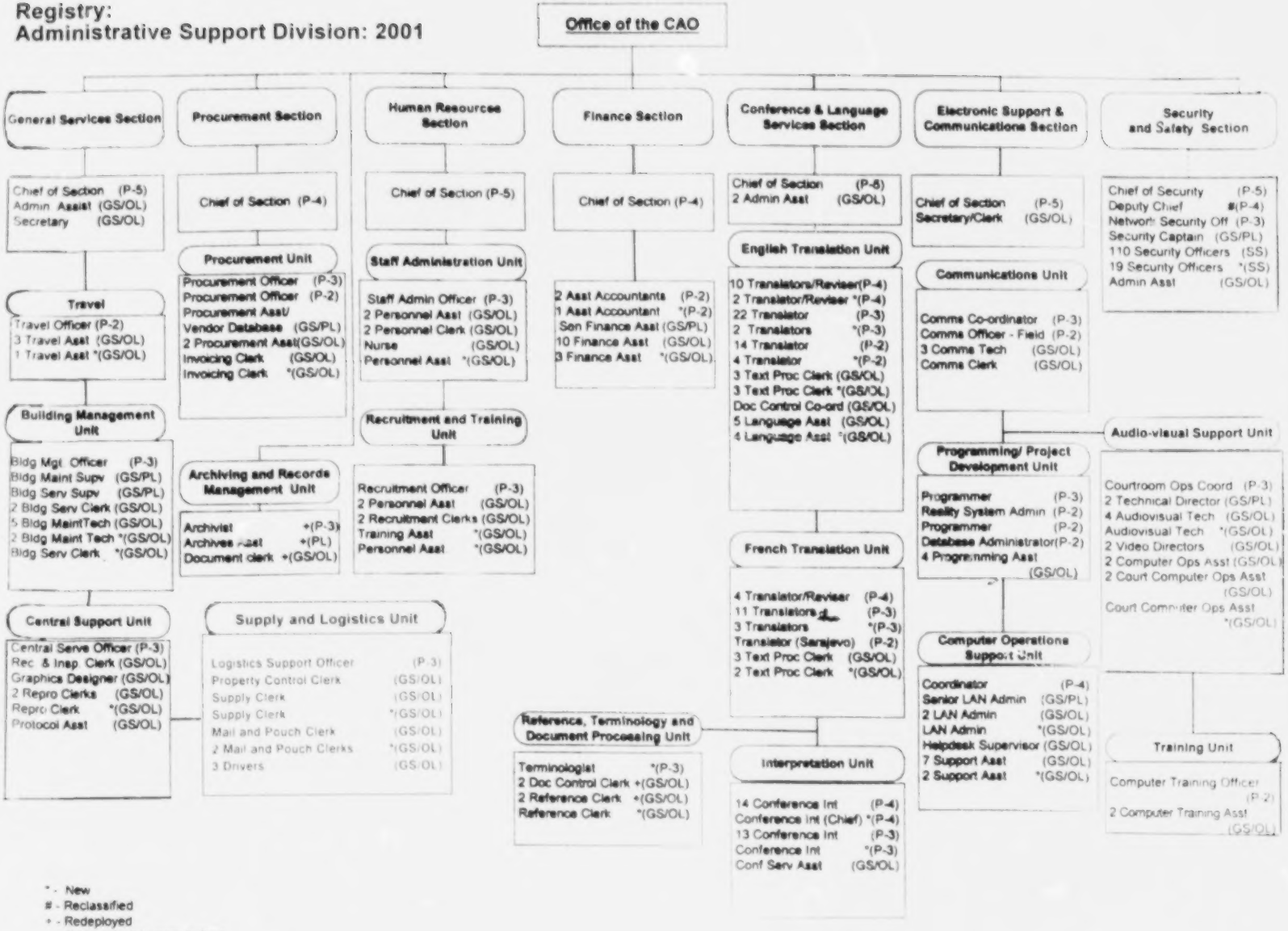
Registry:
Office of the Chief Administrative Officer
2001


Secretary (GS/OL)
Chief Administrative Officer (D-1)
Administrative Assistant (GS/OL)
Stress Management Counsellor (P-4)
Welfare Assistant (GS/OL)
Administrative Officer (P-3) Outposted to OTP
Administrative Assistant (GS/OL) Outposted to OTP
Administrative Officer Pristina / Skopje (P-3)
Administrative Officer (P-4)
Chief Budget Officer (P-5)
Trust Fund Coordinator (P-3)XB
Budget Assistant (GS/OL)

° - New
- Reclassified
+ - Redeployed

Registry:
Administrative Support Division: 2001



* - New
\# - Reclassified
\+ - Redeployed
– - Relating to Ad Litem Judges

Annex III

Vacancy statistics by division, service and section

as of 26 October 2000

Section	*Authorized*	*Vacant*	*Vacancy rate (Per cent)*
Office of the Prosecutor			
Immediate Office of the Prosecutor	22	3	13.6
Prosecution	77	9	11.7
Investigations	200	22	11.0
Information and Evidence	71	7	9.9
Subtotal for Division	**370**	**41**	**11.1**
Registry/Service: Registrar			
Office of the Registrar	2	0	0.0
Public Information	11	1	9.1
Subtotal for Division	**13**	**1**	**7.7**
Registry/Service: Administrative Division			
Office of the Chief Administrative Officer	11	1	9.1
Security and Safety	115	1	0.9
Human Resources	12	0	0.0
Budget and Finance	14	0	0.0
General Services	26	1	3.8
Procurement	11	1	9.1
Electronic Support and Communications	44	2	4.5
Conference and Language Services	109	5	4.6
Subtotal for Division	**342**	**11**	**3.2**
Registry/Service: Judicial Support Division			
Office of the Deputy Registrar	3	0	0.0
Chambers Legal	50	6	12.0
Defence Counsel	5	0	0.0
Office of the President	3	0	0.0
Detention Facilities	7	0	0.0
Court Management and Support Services	16	0	0.0
Library and Reference	3	0	0.0
Archiving	4	0	0.0
Subtotal for Division	**91**	**6**	**6.6**
Legal Division			
Office of the General Counsel	3	0	0.0
Registry Legal Support	4	0	0.0
Victims and Witnesses	25	2	8.0
Subtotal for Division	**32**	**2**	**6.3**
Total	**848**	**61**	**7.2**

Annex IV

Amended legal aid payment practice

December 2000

Case phase:	PRE-TRIAL CASE LEVEL AND ESTIMATED NECESSARY PREPARATION TIME			TRIAL	APPEALS CASE LEVEL AND ESTIMATED NECESSARY PREPARATORY TIME		
Team Member:	Case level 1: difficult **4 MONTHS**	Case level 2: very difficult **6 MONTHS**	Case level 3: leadership cases **8 MONTHS**		Case level 1 difficult **3 MONTHS**	Case level 2 very difficult **4 MONTHS**	Case level 3 leadership cases **6 MONTHS**
Lead Counsel	• 1400 hours **total,** (= monthly average **if** pre-trial prep. were done in **4** months: 350)	• 2100 hours **total,** (= monthly average **if** pre-trial prep. were done in **6** months: 350)	• 2800 hours **total,** (= monthly average **if** pre-trial prep. were done in **8** months: 350)	• all hearing hours • **average** monthly prep hours over duration of trial: 115	• 1050 hours **total,** (= monthly average **if** appeals prep. were done in 3 months: 350) • **plus** all hearing hours	• 1400 hours **total,** (= monthly average **if** appeals prep. were done in 4 months: 350) • **plus** all hearing hours	• 2100 hours **total,** (= monthly average **if** appeals prep. were done in 6 months: 350) • **plus** all hearing hours
Co-Counsel	• **plus** all hearing hours for **one** counsel	• **plus** all hearing hours for **one** counsel	• **plus** all hearing hours for **one** counsel	• all hearing hours • **average** monthly prep hours over duration of trial: 115			
Legal Assis-tant-s Or Investi-gator-s	• 2000 hours total, (= monthly average **if** pre-trial prep. were done in **4** months: 500)	• 3000 hours total, (= monthly average **if** pre-trial prep. were done in **6** months: 500)	• 4000 hours total, (= monthly average **if** pre-trial prep. were done in **8** months: 500)	• Maximum **average** monthly working hours over duration of trial: 150	• 450 hours total, (=monthly average **if** appeals prep. were done in 3 months: 150)	• 600 hours total, (=monthly average **if** appeals prep. were done in 4 months: 150)	• 900 hours total (=monthly average **if** appeals prep. were done in 6 months: 150)
Total hours	3400	5100	6800	Total not applicable	1500	2000	3000

Accompanying practices:

1. **The hours set down in the table for the pre-trial and appeal stages are to be understood as the *maximum* number of hours which *can be* allocated for the respective phase.** Counsel are obliged to plan the use of working hours efficiently and effectively throughout the entire preparation period.

2. **Counsel will not be reimbursed for working hours exceeding the allotted maximums unless if unforeseen circumstances beyond influence of the defence necessitate the allotment of additional hours.** In such a case, a reasoned request must be submitted to the Registrar in order to obtain an additional allotment of working hours. Example: After the defence has concluded its pre-trial preparation, the Prosecution discovers and discloses additional material, such as new witness statements or documentary evidence. The defence may then request an appropriate additional allotment of hours in order to complete their preparation in relation to the new material.

3. **All defence staff must be assigned by the Registry.** Work cannot be billed for staff who were not assigned by the Registry.

4. **Counsel are required to submit monthly invoices accounting for their work and the work of each of their defence staff.** Invoices should be prepared as time-sheets, which must state the activity, the place of the activity, and the exact duration of the activity.

5. **Cases will be ranked according to their level of difficulty**. Case level indicators may be: the number of counts in an indictment, the level at which an accused was placed in a military or political hierarchy during the events for which he was indicted, the amount of material disclosed by the prosecution, etc. Indicators will be evaluated in connection with each other; one indicator will not by itself determine the level of a case.

6. **It is presumed that all cases are the level "difficult".** Should a defendant be of the opinion that his case requires additional defence work, he may *request* an upgrading of the case from the Registrar.

7. **The level of difficulty will determine the maximum available working hours for a defence** team as stipulated by the above chart.

8. **The level of difficulty is determined by a decision of the Registrar,** which shall be rendered at the earliest opportunity after the initial appearance of an accused, or after a status conference has been held, and the Trial Chamber has made a recommendation.

9. **In accordance with Article 33 of the Directive, a complaint may be submitted to the President against the Registrar's decision.**

10. **The implementation of the envisaged system for cases that are already in the pre-trial or trial stages will be as follows**: The amended system will be implemented with when the next phase of the case commences. Thus, for cases that are currently in the pre-trial stage, the new system will be implemented once they reach the trial stage. Newly opened cases will be incorporated within the new system.